



# BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Vincent Pusateri, II, Chairman

Daniel Sarefield

Linda M. Swears

## MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on May 11, 2015 in the Fitchburg Municipal Offices conference room, 166 Boulder Drive, Fitchburg, and called to order by Commissioner Vincent Pusateri at 6:00PM. Commissioners Sarefield and Swears were present. FPD Sergeant Matthew Lemay was present.

The agenda consisted of the following:

### **I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.**

*The minutes of the meeting held on April 22, 2015 were reviewed, approved and signed.*

### **II. NEW APPLICATIONS**

**Mark D. Jackson, Fitchburg Police Association for Special One Day Wine and Malt Beverages License (will serve beer only) for a Road Race on June 27, 2015 from 12 Noon to 1PM for 400 people at the cement structure adjacent to the old Wine Cellar.**

*Mr. Jackson was not able to be present. Sgt. Lemay represented the application on his behalf.*

*Approved 3/0*

**Saint Anthony School, for Special One Day Wine and Malt Beverages License for an Italian Festa on June 13, 2015 from 11AM to 8:00PM for 300-500 people in the school yard.**

*Ms. Denise Schultz represented the application. Commissioners stressed that servers must be TIPS certified and that crowd control state regulations must be followed.*

*Approved 3/0*

**Great Wolf Lodge of New England, LLC, 150 Great Wolf Drive for Change of Manager from Phillip Cunningham to Andrew Dorough.**

*Mr. Dorough was present.*

*Approved 3/0*

**British American Club, 1 Simonds Road for Change of Manager from Randall Doughty to George LeBlanc.**

*Mr. LeBlanc was present.*

*Approved 3/0*

**SACF, Inc. d/b/a Beemer's Pub & Grill, 310 Main Street, Peter C. Cote, Sr.-Manager for New, Annual, Restaurant, All Alcoholic Beverages License.**

*Application accepted and referred to a public hearing to be held on June 1, 2015 3/0*

### **III. HEARINGS**

**PJP Variety Store, Inc. dba M&M Variety, 330 Water Street, Antoine George, Manager for Transfer of annual, wine and malt regular package store license to GMG Variety, LLC dba M&M Variety, 330 Water Street, George M. Saba, Manager.**

*Mr. George Saba and Attorney George Nader represented the application. Mr. Saba explained that he is purchasing the store from a family member. In response to questions from the Board he stated that he has not worked in the alcohol sales business before however he has worked in retail sales. Ms. Tammy Arguelles who resides at 24 Third Street, speaking from the audience, stated that the store is a high traffic area for drugs.*

*She states that she operates a program in the neighborhood called "Help for our Community" which assists individuals with addiction issues. She expressed concern that the new owner address this on-going problem. There were no other individuals who spoke regarding the application. Hearing closed and application granted 3/0.*

#### **IV. CONTINUED MATTERS**

**Peter Bellanton, North Central Coach and Cab, LLC, 435 Lancaster Street Leominster (formerly Centerline Transportation, LLC, 265 Summer St. Fitchburg) to discuss FPD Report #15-2288-OF.**  
*Mr. Bellanton was not present. No action taken.*

**Linda Meehan dba Iron Horse Lounge, 19 Airport Road, for Transfer of annual, general on premise, all alcoholic beverages license to Iron Horse Lounge, Inc., Ashley Hardy-McCauliff, Manager.**  
*Ms. Linda Meehan and Ms. Ashley Hardy-McCauliff represented the application. Ms. Meehan stated that she does not have the DOR tax compliance letter but she did present a DOR tax payment agreement and bank statements showing payments made. The paperwork was reviewed by the Board and placed on file with the original application. Due to the long duration of review of this application (over one year) and the continued lack of the required DOR tax compliance certificate the Board was not comfortable approving the application and sending it to the ABCC. The Board voted 3/0 to re-publish the legal notice for the proposed transfer for another public hearing to be held on June 1, 2015.*

**Major's Café, 149 Lunenburg St., Ellen Reffitt, Manager on the following matters:**

- 1. FPD Report #15-7694**
- 2. In reference to FPD Report listed above – Alleged violation of MA General Law Chapter 138 Section 63A (Hindering or delaying investigator, inspector or agent of commission).**
- 3. In reference to FPD Report listed above – Alleged violation of Fitchburg License Commission regulation #3.15 (In the event that a disturbance or breach of the peace occurs on the licensed premise, its exterior or involving any of their patrons or physical injury to any person, the licensee or responsible person shall promptly notify the police department and shall take any and all reasonable steps to assist such injured person and shall cooperate with the police investigation.)**

*Ms. Ellen Reffitt, Dennis – the bartender on duty on the night in question and Lance – the video technician represented the application. Ms. Reffitt reiterated the details of the alleged incident in answer to various questions posed by the Board. Dennis the bartender provided information on his involvement stating that he was in the bathroom when the alleged incident occurred and that he did not see any injuries on the patrons involved although he did have both of them leave the premises. Lance the video technician stated that he viewed the video for the night in question and all he could see was a black screen.*

*Upon questioning by the Board, Ms. Reffitt and Lance confirmed that Ms. Reffitt now has an application on her cell phone that allows immediate access to the video and the ability to download it to a thumb drive.*

*Ms. Tammy Arguelles, speaking from the audience, stated that she is a patron of Major's Café and that Ms. Reffitt runs a good establishment that is "drama-free".*

#### **DECISION:**

*By vote of 3/0 the Board made the following FINDING:*

- 1. Over-service to the patron "Bubba" did occur on the date in question;*
- 2. Every bartender is to have a copy of their TIPS certification on file in the City Clerk's office;*
- 3. Every bartender is to read the Rules of the License Commission and sign off after doing so;*
- 4. Ms. Reffitt is to learn how to operate the video equipment within five days;*
- 5. Video equipment is to be maintained in working order;*
- 6. Ms. Reffitt is to provide the License Commission with a copy of the video surveillance of the bar from Monday, May 11, 2015 between 7P and 7:30P.*

#### **V. OTHER MATTERS**

**Discussion with taxi driver applicant Jessica Chilumuna regarding driving history.**

*Ms. Chilumuna was present and discussed her driving history with the Board.*

*Taxi driver application approved for two years 3/0*

**New Solicitor/Canvasser Application:**

**Gary Clement – Solar City – residential solar systems**

*Approved 3/0*

**Gregory Doura – Solar City – electricity/solar panels**

*Applicant not present.*

*Application continued to May 18, 2015 3/0*

**New Taxi Driver Application:**

**Sarah Lyons – Twin City Kab**

*Approved for two years 3/0*

**Kyle M. Brown – Twin City Kab**

*Approved for two years 3/0*

**Tabled Matters from April 22, 2015**

**Continued Taxi Driver application: Shauna Stevens**

**This matter was continued a second time because Ms. Stevens was not present as requested on April 22, 2015.**

*Ms. Stevens was not present.*

*Motion to approve the taxi driver application failed to pass by vote of 0 in favor and 3 opposed. Therefore the application is denied.*

**New license format from State pertaining to Public Entertainment on Sunday. Discussion regarding License Commission involvement for establishments that hold an annual or special one-day license to sell/serve alcohol.**

*Discussion continued to May 18, 2015 3/0*

**Communication from MA State Lottery Commission: Intent to install a KENO monitor to an existing KENO To Go agent at Fitchburg Mobil, 129 Whalon Street.**

*Due to the third member of the Board being absent from the last meeting, this discussion was continued from April 22, 2015. Discussion ensued. Commissioner Pusateri stated that he is inclined to disapprove the KENO monitor at 129 Whalon Street due to three reasons: it may create customer congestion at the establishment; the owner of ABS gas station approached the Board earlier this year for their opinion on his potential application for a KENO monitor and the Board denied it in theory; the Board should be consistent in its actions.*

*The Board recognized that the 30 day response period has lapsed but, nonetheless, the motion to approve the communication (and therefore approve the KENO monitor) failed to pass by vote of 1 in favor (Swears) and 2 opposed. The Clerk will therefore send a letter to the MA State Lottery Commission indicating the Boards objection to the monitor even though it is beyond the 30 day response period.*

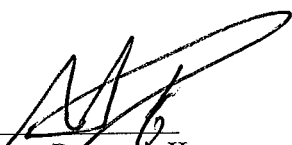
The meeting adjourned at 8:05PM.

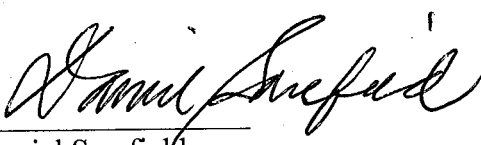
Respectfully submitted,

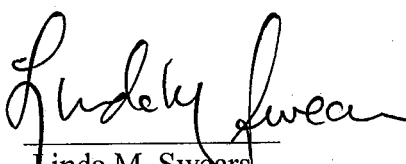


Anna M. Farrell  
City Clerk

Approved:

  
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Vincent Pusateri, II

  
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Daniel Sarefield

  
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Linda M. Swears